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BACKGROUNDER 1-0103
AL ORTIZ/PANAMA

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CHILEAN MILITARY GOVERNMENT POLICIES

ANNCR:

CHILES MILITARY GOVERNMENT HAS DECREED MEASURES AIMED AT PREVENTING THE ABUSE OF PERSONS ARRESTED UNDER THE CURRENT STATE-OF-SIEGE LAWS. THE GOVERNMENT ACTION FOLLOWS NUMEROUS CRITICISMS OF ITS RECORD ON HUMAN RIGHTS. V-O-AS AL ORTIZ HAS THIS BACKGROUND REPORT.

VOICE:

THE DECREE WAS THE MOST CONCRETE ACTION TAKEN SO FAR BY THE MILITARY GOVERNMENT TO SAFEGUARD HUMAN RIGHTS. IT SAYS A PERSON CANNOT BE DETAINED WITHOUT A WRITTEN ARREST WARRANT SIGNED BY THE HEAD OF THE STATE SECURITY AGENCY, AND IT SAYS PERSONS WHO ARE DETAINED MUST UNDERGO A MEDICAL EXAMINATION AT THE TIME OF ARREST AND AGAIN WHEN THEY ARE RELEASED FROM PRISON. THE DECREE AUTHORIZES HIGH GOVERNMENT OFFICIALS TO CONDUCT UNANNOUNCED SPOT CHECKS OF PRISONS TO DETERMINE WHETHER THERE HAS BEEN ANY MISTREATMENT. IF EVIDENCE OF TORTURE IS FOUND, THE GOVERNMENT MUST INITIATE LEGAL PROCEEDINGS TO CORRECT THE SITUATION WITHIN FORTY-EIGHT HOURS.

IN THE PAST, THE MILITARY GOVERNMENT HAS DENIED REPORTS THAT IT HAS TORTURED PRISONERS. ONE OF CHILES PRINCIPAL CRITICS IN THIS FIELD, THE INTERNATIONAL COMMISSION OF JURISTS, CLAIMS THE DECREE DOES NOT GO FAR ENOUGH. THE COMMISSION SAYS THE DECREE SHOULD ALLOW PRISONERS TO CHOOSE THEIR OWN DOCTORS WHO WOULD EXAMINE THEM EVERY FORTY-

EIGHT HOURS, RATHER THAN AT THE BEGINNING AND AT THE END OF THEIR DETENTION. BUT THE DECREE DOES APPEAR TO BE A SERIOUS EFFORT BY THE CHILEAN GOVERNMENT TO ANSWER CRITICS WHO HAVE ACCUSED THE MILITARY GOVERNMENT OF BEING REPRESSIVE.

THE DECREE CAME JUST A FEW WEEKS AFTER BRITISH DOCTOR SHEILAH CASSIDY CLAIMED SHE WAS TORTURED WHILE BEING DETAINED BY CHILEAN AUTHORITIES. THE CHILEAN GOVERNMENT DENIED HER STORY. DOCTOR CASSIDY, WHO WAS ACCUSED OF COOPERATING WITH OUTLAWED LEFTIST GROUPS, MADE THE TORTURE ALLEGATION AFTER SHE WAS ALLOWED TO LEAVE CHILE.

ONE NOTABLE FEATURE OF THE GOVERNMENT'S NEW DECREE IS ITS PROVISION FOR THE EXPULSION OF ALL FOREIGNERS DETAINED UNDER THE STATE-OF-SIEGE POWERS. IN A RELATED INCIDENT, THE GOVERNMENT RECENTLY GRANTED SAFE CONDUCT OUT OF THE COUNTRY TO LEFTIST LEADER ANDRES PASCAL ALLENDE, WHO HAD TAKEN REFUGE IN THE COSTA RICAN EMBASSY IN SANTIAGO LAST NOVEMBER. ALLENDE IS THE NEPHEW OF THE LATE PRESIDENT SALVADOR ALLENDE, WHO WAS OUSTED AND DIED DURING THE MILITARY COUP IN NINETEEN SEVENTY-THREE.

PERHAPS THE MOST UNEXPECTED ACTION BY THE MILITARY GOVERNMENT WAS ITS DECISION TO ALLOW PUBLICATION OF PART OF A STATEMENT BY FORMER CHILEAN PRESIDENT EDUARDO FREI THAT WAS SEVERELY CRITICAL OF THE CURRENT SITUATION IN CHILE. IN HIS STATEMENT, MISTER FREI SAID POLITICAL INFLUENCE NO LONGER BELONGS TO CHILE'S TRADITIONAL RIGHT WING GROUPS, BUT RATHER TO MORE EXTREME GROUPS THAT HE SAID DISPLAY A FASCIST FACE TO THE CHILEAN PEOPLE. HE SAID TORTURE CAN

NEVER BE PERMITTED AND THAT CHILE CANNOT LIVE FOREVER UNDER AN UNCONSTITUTIONAL REGIME. HE SAID A RETURN TO DEMOCRACY WAS IN CHILES BEST INTERESTS. THE GOVERNMENT ALLOWED PUBLICATION OF MISTER FREIS STATEMENT ONLY IN AN EDITED VERSION. BUT THAT DECISION WAS AN UNUSUAL SIGN OF GOVERNMENT TOLERANCE TO CRITICISM. MISTER FREI RECENTLY REFUSED TO PARTICIPATE IN A GOVERNMENT ADVISORY BOARD SET UP BY PRESIDENT GENERAL AUGUSTO PINOCHET.

CRITICISM HAS ALSO REPORTEDLY COME FROM CHILES RELIGIOUS LEADERS. LAST YEAR, THERE WERE REPORTS THAT ROMAN CATHOLIC PRIESTS AND NUNS SUSPECTED OF HAVING TIES WITH LEFTIST GROUPS HAD BEEN ARRESTED. GENERAL PINOCHET HAS PUBLICLY STRESSED THAT HE SEES NO PROBLEM IN RELATIONS BETWEEN THE CHURCH AND THE GOVERNMENT. BUT STATEMENTS BY THE ARCHBISHOP OF SANTIAGO, CARDINAL RAUL SILVA, HAVE BEEN MORE CAUTIOUS. HE HAS DENOUNCED AS FALSE ALL EFFORTS TO LINK THE CHURCH WITH OUTLAWED LEFTIST GROUPS. LAST MONTH, SOME BISHOPS MET WITH GENERAL PINOCHET AND HAD WHAT THEY DESCRIBED AS EXTRAORDINARILY POSITIVE TALKS ON CHURCH-STATE PROBLEMS. BOTH THE CHURCH AND THE GOVERNMENT APPEAR ANXIOUS TO AVOID ANY FORM OF OPEN CONFRONTATION.

AN INCREASINGLY SENSITIVE ISSUE IS THAT OF GOVERNMENT CONTROL OF THE PRESS. A RECENT GOVERNMENT DECREE AUTHORIZED PROVINCIAL MILITARY LEADERS TO SUSPEND THE OPERATIONS OF NEWSPAPERS AND RADIO AND TELEVISION STATIONS FOR UP TO SIX DAYS, IF THEY REPORT NEWS OR COMMENTARY AIMED AT CREATING ALARM OR DISSATISFACTION AMONG THE PEOPLE. CHILES NATIONAL PRESS ASSOCIATION SAYS THE DECREE IS TOO RESTRICTIVE AND HAS ASKED THE GOVERNMENT TO LIFT IT.

THE CHILEAN GOVERNMENT HAS TAKEN A BEATEN IN UNITED NATIONS VOTES ON HUMAN RIGHTS, AND IT HAS APPARENTLY EXPERIENCED DIFFICULTIES IN NEGOTIATING BADLY-NEEDED FOREIGN CREDITS. THE MILITARY HAS MADE IT CLEAR IT INTENDS TO REMAIN IN CONTROL OF CHILE FOR SOME TIME. BUT SOME OF THE GOVERNMENTS RECENT DECISIONS INDICATE THAT IT IS LISTENING TO ITS CRITICS.

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